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EXAMINER	
MOORE, IAN N	

ART UNIT	PAPER NUMBER
2661	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/893,137	CHATURVEDI ET AL.	
	Examiner	Art Unit	
	Ian N. Moore	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 September 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32,34-48 and 51-53* is/are rejected.

7)☒ Claim(s) *33,49 and 50* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 September 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on 9/1/2005. These drawings are accepted by the examiner.

Claim Objections

2. Claims 1, 20, 29 and 41 are objected to because of the following informalities:

Claim 1 recites, "...establish **a circuit-data session between a user terminal and a specified destination**... setting up **a packet-data session** between **the user terminal and a translation node**, (ii) setting up **a circuit-data session** between the translation node and the specified destination, and (iii) bridging the packet-data session with the circuit-data session..." in lines 2-6, (emphasis added). Claim 1, lines 1-3 recites that "a circuit-data session" is established between a user terminal and a specific destination (i.e. end-to-end session). Claim 1, lines 4-5, also recites "a packet-data session" is setup between the user terminal and a translation node. Thus, it is unclear whether "**a circuit-data session**" between user terminal and a specified destination (i.e. end to end session) is actually a circuit-data session since the sub-session between user terminal and a translation node is "a packet-data session".

Claim 41 recites, "...establish **a circuit-data session between a user terminal and a specified destination**... establishing **a packet-data session** between **the user terminal and a intermediate entity**, (ii) establishing **a circuit-data session** between the intermediate entity and the specified destination, and (iii) bridging the packet-data session with the circuit-data session, so as to establish **an end-to-end session..."** in lines 7-13, (emphasis added). Claim 41 lines 7-8 recites that "a circuit-data session" is established between a user terminal and a specific

destination, and in lines 12-13 "an end-to-end session" is established between the user terminal and the specific destination. Claim 41, lines 9-10 also recites "a packet-data session" is established between the user terminal and a intermediate entity. Thus, it is unclear whether "**a circuit-data session**" between user terminal and a specified destination (i.e. end to end session) is actually a circuit-data session since the sub-session between user terminal and a translation node is "a packet-data session". It is also unclear whether "**a circuit-data session**" between user terminal and a specified destination (recite in lines 7-8) is the **same** as "an end-to-end session" (recites in lines 12-13). (Emphasis added).

Claim 1 recites, "**a circuit-data session**" in line 5. It is unclear whether "a circuit-data session" in line 5 is the same as "**a circuit-data session**" recited in line 2.

Claim 41 is also objected for the same reason as stated above in claim 1.

Claim 20 recites, "**a circuit-switched call**" in line 5. It is unclear whether "a circuit-switched call" in line 5, is the same as "**a circuit-switched call**" in claim 13, line 7.

Claim 29 recite, "**a user terminal**" in lines 6 and 9. It is unclear whether "a user terminal" in lines 6 and 9 is the same as "**a user terminal**" recited in line 4.

Appropriate corrections are required.

Double Patenting – Statutory Type (provisional)

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. **Claim 1** is provisionally rejected under **35 U.S.C. 101** as claiming the same invention as that of **claim 1** of copending Application No. **10/086,017**. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

Double Patenting – Nonstatutory Type (provisional)

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., In re Berg, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); In re Goodman, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); In re Longi, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); In re Van Ornum, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); In re Vogel, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and In re Thorington, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. **Claim 13 and 41** are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 20 and 30 of copending Application No. 10/086,017. Although the conflicting claims are not identical, they are not patentably distinct from each other because claim 13 of the instant application merely broadens the scope of the claim 20 of the copending application by eliminating the elements and their functions of the

claims (i.e. eliminating a remote gateway and its functions); and claim 41 of the instant application merely broadens the scope of the claim 41 of the copending application by eliminating the elements and their functions of the claims (i.e. eliminating step (iii) "setting up a second session..."). It has been held that the omission an element and its function is an obvious expedient if the remaining elements perform the same function as before. *In re Karlson*, 136 USPQ 184 (CCPA). Also note *Ex parte Rainu*, 168 USPQ 375 (Bd.App.1969); omission of a reference element whose function is not needed would be obvious to one skilled in the art.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 102 (b)

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Jayapalan (US005533019A).

Regarding Claims 1 and 41, Jayapalan discloses a method comprising:

(a) receiving a request to establish a circuit-data session between a user terminal (see FIG. 2, MDS 5) and a specified destination (see FIG. 2, End user 45); see col. 4, line 1-61; see FIG. 5; see col. 6, line 45-60; MDS 5 request for a circuit-data connection to end user 45); and

(b) responsively (i) setting up a packet-data session (see FIG. 2, a session via CDPD XCVR 34) between the user terminal and a translation node/an intermediate entity (see FIG. 2,

IWF 40; establishing a packet session/path over between MDS 5 and IWF 40 via CDPD XCVR 34; see FIG. 5; see col. 3, line 40-47; col. 4, line 37-45), (ii) setting up a circuit-data session (see FIG. 2, a session via PSTN 44) between the translation node/the intermediate entity and the specified destination (see col. 3, line 43-47; see col. 4, line 40-44; see col. 6, line 55 to col. 7, line 11, 35-52; establishes a circuit session/path between IWF 40 and End user 45 via PSTN 44), and (iii) bridging the packet-data session with the circuit-data session (see FIG. 2, IWF 40 bridges/interworks/interconnects the circuit path/session and the packet path/session between MDS 5 and end user 45; see FIG. 5; see col. 3, line 40-47; col. 4, line 37-45; see col. 6, line 55 to col. 7, line 11, 35-52).

Claim Rejections - 35 USC § 102 (e)

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 1-8, 12-22, 29-32, 34-39, 41-48, 51 and 53 are rejected under 35 U.S.C. 102(e) as being anticipated by Illidge (US 20020085514A1).

Regarding Claim 1, Illidge discloses a method comprising:

(a) receiving a request to establish a circuit-data session between a user terminal (see FIG. 1 A-B, MS 114) and a specified destination (see FIG. 1 A, 2, Remote Access Server RAS 126); see page 2, paragraph 12; see page 3, paragraph 17-18; MS requests for a connection to RAS 126); and

(b) responsively (i) setting up a packet-data session between the user terminal and a translation node (see FIG. 1 A, 2, 4; IWF 122; establishing a packet session/path over an access link between MS 114 and IWF 122 via PDSN 120; see page 2, paragraph 14-15; see page 3, paragraph 20-23), (ii) setting up a circuit-data session between the translation node and the specified destination (see page 2, paragraph 12; establishes a circuit session/path between IWF 122 and RAS 126 via MSC 101), and (iii) bridging the packet-data session with the circuit-data session (see FIG. 1 A, 2, IWF 122 bridges/interworks/interconnects the circuit path/session and the packet path/session between MS 114 and RAS 126 in order to form an complete connection by *passing a modulated data to the PSTN 124 through MSC 101 for connection to RAS 126*: see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 13, Illidge discloses a method comprising:

receiving into a user terminal (see FIG. 1 A, 2, 4, MS 114) a request to establish a dial-up data session between the user terminal and a dial-up data server destination (see FIG. 1 A, 2; Remote Access Server RAS 126), the dial-up data session defining data to be communicated between the user terminal and the dialup data server (see page 2, paragraph 12; see page 3, paragraph 17-18; MS 114 requests for a connection to RAS 126) and

packetizing outgoing data at the user terminal, to produce outgoing packetized data (see FIG. 3-4, user data is packetized into PPP packets; see page 3, paragraph 20-23);

transmitting the outgoing packetized data from the user terminal to a translation node (see FIG. 1 A, 2, 4; IWF 122; transmission of packets to IWF 122 via PDSN 120; see page 2, paragraph 14-15; see page 3, paragraph 20-23);

placing a circuit-switched call from the translation node to the dial-up data server (see FIG. 1 A, 2, RAS 126); see page 2, paragraph 12; establishes a circuit session/call between IWF 122 and RAS 126 via MSC 101 and PSTN);

translating the outgoing packetized data into an outgoing dial-up data stream at the translation node (see FIG. 1 A, 2, 4; IWF 122 interworks/interconnects/translates the packets into a modulated dial-up/circuit switched data stream: see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17); and

in the call, sending the outgoing dial-up data stream from the translation node to the dialup data server (see FIG. 1 A, 2; RAS 126; see page 2, paragraph 12; IWF processes and sends that the circuit/dial-up switched data stream to RAS 126 via MSC 101).

Regarding Claim 29, Illidge discloses in a network of the type (see FIG. 1A, 2, 4; mobile communication system 100) comprising an access link (see FIG. 1 A-B, 2, 4; radio access link) for communicatively coupling user terminals (see FIG. 1 A, 2, 4; Mobile stations MS 114) with an access node (see FIG. 1 A, 2, 4; BS 103 communicates with MSs), wherein the access node provides connectivity with a plurality of destinations (see FIG. 1 A, 2, 4; destinations terminals/servers/nodes) including packet-terminated destinations and circuit-terminated destinations (see FIG. 1 A, 2, 4; MSC 101, PDSN 120, IWF 122, RAS 126, and/or remote nodes/terminals/servers, etc.); see page 1-2, paragraph 10-11; see page 3, paragraph 21-23, and wherein communications from a user terminal (see FIG. 1 A, 2, 4; MS 114) to a packet-terminated destination (see FIG. 1 A, 2, 4; IWF 122, or remote node/terminal/server), when carried over the access link, are carried over the access link at a first service level (see FIG. 1 A, 2, 4; the packet/first switch network portion/part of a network between MS, BS, PDSN, MSC,

IWF), and communications from a user terminal to a circuit-terminated destination (see FIG. 1 A, 2, 4; RAS 126, or remote node/terminal/server), when carried over the access link, are carried over the access link at a second service level different than the first service level (see FIG. 1 A, 2, 4; the circuit/second switch network portion/part of a network between a network between MS, BS, PDSN, MSC, IWF, RAS), a method comprising:

receiving a user request to establish a communication session from a user terminal (see FIG. 1 A, 2, 4; MS 114) to a specified circuit-terminated destination (see FIG. 1 A, 2; Remote Access Server RAS 126); see page 2, paragraph 12; see page 3, paragraph 17-18; MS requests for a connection to RAS 126) and

in response to the user request, (i) setting up a first session from the user terminal to an intermediate packet-terminated destination (see FIG. 1 A, 2, 4; IWF 122) via a communication path including the access link (see FIG. 1 A, 2, 4; establishes a packet session/path over an access link between MS 114 and IWF 122 via PDSN 120), so that the first session is carried over the access link at the first service level (see page 2, paragraph 14-15; see page 3, paragraph 20-23), (ii) setting up a second session from the intermediate packet-terminated destination (see FIG. 1 A, 2; IWF 122) to the specified circuit-terminated destination (see FIG. 1 A, 2; RAS 126); see page 2, paragraph 12; establishes a circuit session/path between IWF 122 and RAS 126 via MSC 101), and (iii) bridging the first session with the second session to produce an end-to-end session from the user terminal to the specified destination (see FIG. 1 A, 2; IWF 122 bridges/interworks/interconnects the circuit path/session and the packet path/session between MS 114 and RAS 126 in order to form an complete connection by *passing a modulated data to the*

PSTN 124 through MSC 101 for connection to RAS 126: see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 41, Illidge discloses all limitation as set forth above in claims 1 and 29, where a first session is a packet-data session and a second session is a circuit-data session, and thus it is subjected to the same rejection as claims 1 and 29.

Regarding Claim 47, Illidge discloses a system (see FIG. 1A, 2, 4; mobile communication system 100), comprising a user terminal (see FIG. 1A, 2, 4; MS 114) including:

a first processor (see FIG. 1A, 2; MS 114 has a processor; see page 1, paragraph 10);

a first data storage mechanism (see FIG. 1A, 2; MS 114 has a storage/memory; see page 1, paragraph 10);

a first communication interface for communicating over an air interface (see FIG. 1A, 2; MS 114 has an air/radio communication interface; see page 1, paragraph 10);

a first user-input means (see FIG. 1A, 2; MS 114 has user input interface (e.g. keypad); see page 1, paragraph 10) for receiving a user request to establish a dial-up data session with a specified circuit-terminated destination (see FIG. 1 A, 2, Remote Access Server RAS 126; see page 2, paragraph 12; see page 3, paragraph 17-18; user dials MS to trigger a request for a data session to establish connection to RAS 126); and

a first set of instructions stored in the first data storage mechanism and executable by the first processor, in response to the user request, (i) to send a session-setup message via the air interface requesting establishment of a packet-data session (see FIG. 1 A, 2, 4; IWF 122; MS requests for a packet session/path over an access link between to IWF 122 via PDSN 120; see page 2, paragraph 14-15; see page 3, paragraph 16-18, 20-23) and (ii) once the packet-data

session is established, to send packets that include dial-up data as payload and that include a predetermined identifier associated with a dial-up data session (see page 2, paragraph 12; establishes a circuit session/path between IWF 122 and RAS 126 via MSC 101, and IWF 122 bridges/interworks/interconnects the packets into dial up circuit switch data (as payload) with a specific address/identifier/number of RAS 126 towards MSC 101 and PSTN 124; see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-18).

Regarding Claim 51, Illidge discloses a system (see FIG. 1 A, 2, 4; IWF 122) comprising:

a processor (see FIG. 1A, 2; IWF 122 114 has a processor; see page 1, paragraph 10; see page 2, paragraph 11-14);

data storage (see FIG. 1A, 2; IWF 122 114 has a memory; see page 1, paragraph 10; see page 2, paragraph 11-14);

a first communications interface for communicating packet-data (see FIG. 1 A, an interface towards PDSN 120), the first communications interface receiving packets representing dial-up data from a mobile station (see FIG. 1 A, 2, IWF receives packets from MS 114 from interface to PDSN 120) and providing the packets to the processor (see FIG. 2 and 4, IWF processes the packets are received from PDSN; see page 2, paragraph 14-15; see page 3, paragraph 20-23)

a second communications interface for communicating circuit-data (see FIG. 1 A, an interface towards MSC 101), the second communications interface receiving a dial-up data stream from the processor (see FIG. 1 A, 2, an interface towards MSC receives processed data the processor) and sending the dial-up data stream to a dial-up server (see FIG. 1 A, 2; RAS 126;

see page 2, paragraph 12; IWF processes and sends that the circuit switched data stream to RAS 126 via MSC 101); and

instructions stored in the data storage and executable by the processor to translate the packets into the dial-up data stream (see FIG. 1 A, 2, IWF 122 interworks/interconnects/translates the packets into a modulated circuit switched data stream: see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 53, Illidge discloses all limitation as set forth above in claims 1 and 51, where a first session is a packet-data session, a second session is a circuit-data session, and an air interface (see FIG. 1A, 2, 4; MS 114 has an air/radio communication interface; see page 1, paragraph 10); and remote access server (see FIG. 1 A, 2; RAS, remote access server) thus it is subjected to the same rejection as claims 1 and 51.

Regarding Claims 2 and 35, Illidge discloses receiving the request at the user terminal (see FIG. 1A-B, 2; MS 114 has user input interface (e.g. keypad); see page 1, paragraph 10; see page 2, paragraph 12; see page 3, paragraph 17-18; user dials MS to trigger a request for connection to RAS 126).

Regarding Claims 3, 20, 34, 43, 44, and 45, Illidge discloses wherein the request defines a telephone number of the specified destination (see FIG. 1 A, 2; user dials a RAS phone number), the method further comprising:

communicating the telephone number to the translation node/intermediate entity/intermediate packet-terminated destination (see FIG. 1 A, 2; IWF 122 receives the phone number for RAS),

wherein, setting up the circuit-data session between the translation node/intermediate entity/intermediate packet-terminated destination and the specified destination comprises the translation node/intermediate entity/intermediate packet-terminated destination placing a circuit-switched call to the telephone number (see FIG. 1 A, 2; IWF 122 placing a circuit switch call to RAS telephone number via PSTN 124); see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claims 4 and 22, Illidge discloses communicating the user-account information to the translation node; and communicating the user-account information from the translation node to the specified destination (see FIG. 1 A, 2, 4; in order to established a call to RAS 126 from MS 114, the MS user account information must be communicated between IWF 122, MSC 101, and RAS 126; see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 5, Illidge discloses wherein the user terminal comprises a mobile station (see FIG. 1 A, MS 114), and the specified destination comprises a dial-up server (see FIG. 1 A, RAS 126).

Regarding Claims 6, 30 and 42, Illidge discloses setting up the packet-data session over a communication path/access link comprising an air interface (see FIG. 1A, 2; MS 114 has an air/radio communication interface to request a packet session/path; see page 1, paragraph 10; see page 2, paragraph 14-15; see page 3, paragraph 16-18, 20-23).

Regarding Claims 7 and 36, Illidge discloses the user terminal sending an origination message over the air interface to a radio access system (see FIG. 1 A, 2, 4; IWF 122; MS requests for a packet session/path over an access link between to IWF 122 via PDSN 120; see

page 2, paragraph 14-15; see page 3, paragraph 16-18, 20-23), the origination message including a packet-data service code (see FIG. 3-4, in a request message for packet data service to PDSN 120 contains a packet-data service code/indication/address (i.e. source/destination address, control codes); see page 3, paragraph 16-20.

Regarding Claim 8, Illidge discloses setting up a PPP session between (i) the user terminal and (ii) an entity that is arranged to forward packets of the session to the translation node (see FIG. 1 A, 2,4; setting a PPP session between MS 114 and PDSN 120; see page 2, paragraph 14,15; see page 3, paragraph 21-23).

Regarding Claim 12, Illidge discloses receiving the request from a user (see FIG. 1A, 2; MS 114 has user input interface (e.g. keypad) where user entering the calling number/address; see page 1, paragraph 10, the method further comprising: performing step (b) transparently to the user (see FIG. 1 A, 2, 4, 6; page 2, paragraph 12; see page 3, paragraph 17-18; setting the connection between MS and RAS is performed transparently to user; also see FIG. 1 A, PCF, packet switch function 107, VLR 102, RAS 126).

Regarding Claim 14, Illidge discloses wherein the outgoing packetized data comprises a sequence of packets (see FIG. 1 A, 2, 4; packets are transmitted; see page 2, paragraph 14-15; see page 3, paragraph 20-23) and the dial-up data stream comprises a digital bit stream (see FIG. 1 A, 2; see page 2, paragraph 12; establishes a circuit session/call from IWF 122 via MSC 101 and PSTN, thus, it is using PSTN compliant SONET/SDH/T-carrier digital bit stream), and wherein translating the outgoing packetized data into an outgoing dial-up data stream comprises: embedding the packets in the digital bit stream (see FIG. 1 A, 2, 4; see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17; circuit switch dial-up data stream (i.e.

SONET/SDH/T-carrier digital bit stream) encapsulates/carries packets (i.e. packets over SONET/SDH, T-3, etc.)).

Regarding Claim 15, Illidge discloses wherein the outgoing packetized data comprises a sequence of packets (see page 2, paragraph 14-15; see page 3, paragraph 16-18, 20-23; packets transmissions), each including a header and payload (see FIG. 1 A, 2, 4; each packet contains header and payload), wherein the dial-up data stream comprises a digital bit stream (see page 2, paragraph 12; dial up circuit switch data contains digital bits), and wherein translating the outgoing packetized data into an outgoing dial-up data stream comprises:

depacketizing the packets to uncover the payload of each packet (see FIG. 2, IWF uncovers the user application data/payload of each packet; see page 2, paragraph 12, 14); and

including the payload of the packets in the digital bit stream (see FIG. 2, user application data/payload of each packet is included in the PSTN digital bit steam; see page 2, paragraph 12,14).

Regarding Claim 16, Illidge discloses in the call, receiving an incoming dial-up data stream at the translation node from the dial-up data server (see page 2, paragraph 12; establishes a circuit session/path between RAS 126 and IWF 122);

packetizing the incoming dial-up data stream at the translation node, to produce incoming packetized data (see FIG. 2, IWF packetized/form user application data/payload from PSTN digital bit steam into packets); see page 2, paragraph 12,14);

transmitting the incoming packetized data from the translation node to the user terminal (see FIG. 2-4; see page 2, paragraph 14-15; see page 3, paragraph 16-18, 20-23; IWF transmits packets to MS) and

depacketizing the incoming packetized data at the user terminal (see FIG. 2-4; MS depacketizes/decapsulates the user data/application/payload; see page 3, paragraph 20-23).

Regarding Claims 17 and 18, Illidge discloses transmitting the incoming packetized data from the translation node to an entity/PDSN that is arranged to forward the incoming packetized data to the user terminal (see FIG. 1 A, 3-4; transmitting packets to IWF to PDSN 120, which then forwards the packets to MS; see page 2, paragraph 14-15; see page 3, paragraph 20-23).

Regarding Claim 19, Illidge discloses transmitting the incoming packetized data from the translation node to the user terminal along a communication path comprising a home agent of the user terminal (see FIG. 1 A, BTS 106 or 108; IWF transmits packets to MS 114 via BTS; see page 1, paragraph 10).

Regarding Claim 21, Illidge discloses sending the telephone number from the user terminal to the translation node (see FIG. 1 A, 2; user dials a RAS phone number; see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 31, Illidge discloses wherein the user terminal comprises a mobile station (see FIG. 1 A, MT2, mobile terminal) and the access node comprises a base station (see FIG. 1 A, BTS 106 or 106; see page 1, paragraph 10).

Regarding Claim 32, Illidge discloses wherein the user terminal further comprises a host device (see FIG. 1 A, TE2, terminal equipment) linked with the mobile station (see FIG. 1 A, MT2, mobile terminal; see page 1, paragraph 10).

Regarding Claim 37, Illidge discloses sending the telephone number of the specified circuit-terminated destination from the user terminal to the access node (see FIG. 1 A, 2; user dials a RAS phone number and the telephone number is received at BTS 106 or 108); and

sending the telephone number of the specified circuit-terminated destination from the access node to the intermediate packet-terminated destination (see FIG. 1 A, 2; BTS sends the phone number for RAS to IWF 122); see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17.

Regarding Claim 38, Illidge discloses the intermediate destination placing a dial-up call to the telephone number (IWF 122 placing a circuit switch call to RAS telephone number via PSTN 124); see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claims 39 and 46, Illidge discloses sending the user-account information from the user terminal to the access node (see FIG. 1 A, 2, 4; in order to established a call to RAS 126 from MS 114, the MS user account information must be communicated between from MS 114 to BTS 106 or 108);

sending the user-account information from the access-node to the intermediate packet terminated destination/intermediate entity (see FIG. 1 A, 2, 4; BTS 106 or 108 sends MS user account information to IWF 122); and

sending the user-account information from the intermediate packet-terminated destination/ intermediate entity to the specified circuit-terminated destination (see FIG. 1 A, 2, 4; IWF 122 sends the MS user account information to RAS 126 via MSC 101 and PSTN; see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17).

Regarding Claim 48, Illidge discloses a translation node (see FIG. 1 A, 2, 4; IWF 122) comprising:

a second processor (see FIG. 1A, 2; IWF 122 114 has a processor; see page 1, paragraph 10; see page 2, paragraph 11-14);

a second data storage mechanism (see FIG. 1A, 2; IWF 122 114 has a memory; see page 1, paragraph 10; see page 2, paragraph 11-14);

a second communications interface for communicating packet-data (see FIG. 1 A, an interface towards PDSN 120), the second communications interface receiving packets (see FIG. 1 A, 2, IWF receives packets from MS 114 from interface to PDSN 120) and providing the packets to the econd processor (see FIG. 2 and 4, IWF processes the packets are received from PDSN; see page 2, paragraph 14-15; see page 3, paragraph 20-23)

a third communications interface for sending circuit-data (see FIG. 1 A, 2; RAS 126; see page 2, paragraph 12; IWF processes and sends that the circuit switched data stream to RAS 126 via MSC 101); and

a second set of instructions stored in the second storage mechanism and executable by the second processor to translate the packets into the dial-up data stream (see FIG. 1 A, 2, IWF 122 interworks/interconnects/translates the packets into a modulated circuit switched data stream: see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17) and (ii) to provide the outgoing circuit-data to the third communication interface for transmission of the outgoing circuit-data to the specified circuit-terminated destination (see FIG. 1 A, 2; RAS 126; see page 2, paragraph 12; IWF processes and sends to the an interface for the circuit switched data stream towards RAS 126 via MSC 101).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 9-11, 34-27, and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Illidge in view of Nordman (US006061346A).

Regarding Claims 9, 24 and 25, Illidge discloses wherein each of a plurality of packets sent from the user terminal to the translation node in the packet-data session includes a predetermine identifier (see page 3, paragraph 16-20; each packet from MS 114 to IWF 122 has a predetermined header/identifier/address),

and wherein setting up the packet-data session between the user terminal and the translation node comprises: setting up a PPP session between (i) the user terminal and (ii) an entity that is arranged to forward each packet to the translation node that the packet includes the identifier (see FIG. 1 A, 2,4; setting a PPP session between MS 114 and PDSN 120 in accordance with packet header/identifier/address; see page 2, paragraph 14,15; see page 3, paragraph 21-23).

Illidge does not explicitly disclose in response to a determination. However, authentication/determination before forwarding the packet is well known in the art. In particular, Nordman teaches in an entity forwarding each packet in response to a determination that the packet includes the identifier (see FIG. 1, col. 8, line 9-23; in response to

validation/authentication of address, SGSN 82 forwards the authenticated traffic/packets). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide authentication/validation address for forwarding, as taught by Nordman in the system of Illidge, so that it would ensure secure transmission and assure security; see Nordman col. 8, line 10-16.

Regarding Claim 10, Illidge discloses programming the entity to forward to the translation node each packet that includes the identifier (see FIG. 1 A, 2,4; PDSN 120 forwards packets which includes packet header/identifier/address; see page 2, paragraph 14,15; see page 3, paragraph 21-23. Nordman also discloses programming the entity to forward to the translation node each packet that includes the identifier (col. 8, line 9-23).

Regarding Claim 11, Illidge discloses wherein the identifier comprises a predetermined network address (see FIG. 2, 4; see page 2, paragraph 14,15; see page 3, paragraph 21-23; each packet contains predefine/preconfigured network address of PDSN/IWF/RAS). Nordman also discloses wherein the identifier comprises a predetermined network address (col. 8, line 9-23).

Regarding Claim 26, Illidge discloses transmitting each packet over an air interface between the user terminal and a base station (see FIG. 1A, 2; packets transmission between MS 114 and BTS 106 or 108 via an air/radio communication interface; see page 1, paragraph 10).

Regarding Claim 27, Illidge discloses providing the entity with logic to detect the predetermined identifier in the packet and to responsively forward the packet to the translation node (see FIG. 1 A, 2-4; PDSN 120 contains logic to detect and forward packets to IWF; see page 2, paragraph 14,15; see page 3, paragraph 21-23).

Regarding Claim 52, Illidge discloses a packet-router (see FIG. 1 A, 2-4; PDSN) arranged to route packets to the first communications interface, per packet, that the packet includes an identifier indicative of a dialup data session (see page 3, paragraph 16-20; each packet from MS 114 has a header/identifier/address/number of the RAS; see page 1, paragraph 10; see page 2, paragraph 12-15; see page 3, paragraph 16-17, 21-23).

Illidge does not explicitly disclose in response to a determination. However, authentication/determination before forwarding the packet is well known in the art. In particular, Nordman teaches a packet router arranged to route packets to the first communications interface in response to a determination that the packet includes the identifier (see FIG. 1, col. 8, line 9-23; in response to validation/authentication of address, SGSN 82 forwards the authenticated traffic/packets). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide authentication/validation address for forwarding, as taught by Nordman in the system of Illidge, so that it would ensure secure transmission and assure security; see Nordman col. 8, line 10-16.

13. Claims 23 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Illidge in view of Palekar (US006941465B1).

Regarding Claim 23 and 40, Illidge discloses the user-account information as recited above in claim 22.

Illidge does not explicitly disclose a username and password. However, it is well known in the art that a user account information in login process includes a username and password. In particular, Palekar teaches a user account information comprises a username and password (see

col. 7, line 45 to col. 8, line 33. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide login process of utilizing username and password, as taught by Palekar in the system of Illidge, so that it would provide a method of enforcing a policy that reduces the amount of involvement required by network administrator; see Palekar col. 10, line 19-35.

14. Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Illidge in view of Feder (US 20020089958A1).

Regarding Claim 28, Illidge does not explicitly disclose a network access server. However, having IWF as network access server is well known in the art. In particular, Feder teaches using a network access server as the translation node (see page 4, paragraph 64, IWF as NAS). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide IWF as NAS, as taught by Feder in the system of Illidge, so that it would relay PPP traffic between end system and the IWF, and provide end users with remote wireless access to the internet, and ISP can offer more services; see Feder page 1, paragraph 10, 11; page 4, paragraph 64.

Allowable Subject Matter

15. Claims 33, 49 and 50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

16. Applicant's arguments with respect to claims 1-32,34-48, and 51-53 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ian N. Moore whose telephone number is 571-272-3085. The examiner can normally be reached on 9:00 AM- 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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